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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,845	08/21/2001	Bartel Marinus Van De Sluis	2167.003US1	7423

21186 7590 07/03/2007

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EXAMINER	
BARQADLE, YASIN M	

ART UNIT	PAPER NUMBER
2153	

MAIL DATE	DELIVERY MODE
07/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/933,845	VAN DE SLUIS, BARTEL MARINUS	
	Examiner	Art Unit	
	Yasin M. Barqadle	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 April 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,9-12 and 15-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,9-12,15-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment

1. The amendment filed on April 02, 2007 has been fully considered but are not persuasive.

Claims 1,9-12 and 15-29 are presented for examination.

Response to arguments

2. In essence the applicant argues "...there is no indication in Levy that a decoding process to determine an identifier is ever being performed at the server. On the contrary, the techniques in Levy rely on a server being provided with a content identifier, where the determining of the identifier is performed away from the server (e.g., at a client system). (Levy, 4: 20-44.)" Page 3, first paragraph and page 4, second paragrah of the applicant's remarks.

3. Applicant also argues "there is no need in Levy to perform, at the server, any processing of the received portion of the content in order to 'determine', from the receive portion of the content item..." page 3, first paragraph. Examiner notes that Levy teaches determining an identifier associated with a content item at the server "Based on identifier and optional context information, the server determines an associated action to

perform, such as re-directing an identifier or context data to another server...The server may look up related data based on the identifier alone, or based on the identifier and other context information. Context information may be information provided by the user, by the user's computer or device, or by some other process or device" col. 4, lines 40-56. Levy takes the steps of performing a lookup, hence processing to determine the associated identifier of the content. The word processing is very broad and as such "performing a lookup" at the server to determine an identifier associated with the received content reads to argued limitation. Furthermore, "the servers used to link identifiers to actions may be programmed to provide a variety of actions including: returning data and HTML links (e.g., in the form of an HTML document, scripts, etc.) ... performing database look up operations for related information, links, actions performing database look up to uniquely identify a media object based on distributor/broadcaster ID and other context information creating a transaction log" (col. 13, lines 50-67).

In response to applicant's arguments that "Herz, whether considered separately or in combination with Levy, fails to disclose or suggest transmitting an electronic offer to sell in response to the receiving of the media object utilizing the

determined identifier," Examiner notes that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The combined reference as shown in the detailed action below teach "transmitting an electronic offer to sell in response to the receiving of the media object utilizing the determined identifier." Offering promotions (offer to sell) to a shopper on related purchases such as when the shopper purchases an item reads to the argued limitation. See Herz (¶ 266-267 and ¶ 279).

Claim Rejections - 35 USC § 102

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 9-10, 15-19, 21-26 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Levy et al (6505160).

As per claim 1 and 22, Levy et al teach a method to enhance rendering of a content item (fig. 1), the method comprising: Receiving, at a server system (fig. 1), a portion of the content item from a client system (the decoding process forwards the extracted identifier in a message containing addition context information to a server (col. 4, lines 40-56); col. 6, lines 29-42, col. 7, lines 3-10 and col. 12, lines 16-62), the received portion of the content item being distinct from an identifier associated with the content item (the context information may relate to a user, the user's device, the attribute of the session (col. 4, lines 40-56 and col. 3, lines 24-64) ; processing, at the server, the received portion of the content item to determine, from the received portion of the content item, the identifier associated with the content item ("Based on identifier and optional context information, the server determines an associated action to perform, such as re-directing an identifier or context data to another server…" col. 4, lines 40-56 (an identifier for a media object/content is received col. 6, lines 39-54 and col. 12, lines 62 to col. 13, line 15), obtaining further information on the content item using the determined identifier (using identifier of the media/content object obtain further info col. 4, lines 40-56 and col. 12, lines 62 to col. 13, line 15), and transmitting the further

information to the client system [col. 5, lines 11-54 and col. 12, lines 62 to col. 13, line 15. See also col. 14, lines 15-24].

As per claim 9, Levy et al teach a server system (fig. 1, server 1) to facilitating enhanced rendering of a content item [¶ 22-24], the system comprising:

a receiver to receive a portion of the content item from a client system, the received portion of the content item being distinct from an identifier associated with the content item (the context information may relate to a user, the user's device, the attribute of the session (col. 4, lines 40-56 and col. 3, lines 24-64. See also col. 6, lines 29-37, col. 7, lines 3-10 and col. 12, lines 16-62), a processor to process the received portion of the content item to determine, from the received portion of the content item, the identifier associated with the content item, (an identifier for a media object/content is received col. 6, lines 43-54 and col. 12, lines 62 to col. 13, line 15), lookup component to obtain further information on the content item using the determined identifier (col. 4, lines 40-67 and col. 13, lines 50-66), and for transmitting the further information to the client system [col. 5, lines 11-54

and col. 12, lines 62 to col. 13, line 15. see also col. 14, lines 15-24].

As per claim 10, Levy et al teach the server system of claim 9, the processor is arranged to compute a hash value for the received portion of the content item, [col. 6, lines 3-28 and col. 9, lines 42-61].

As per claim 15, Levy et al teach the method of claim 1, wherein the processing of the received portion of the content item is further to calculate a hash value for the portion of the content item [col. 6, lines 3-28 and col. 9, lines 42-61].

As per claim 16 and 23, Levy et al teach the method of claim 15, wherein the obtaining of further information includes utilizing the calculated hash value as the identifier associated with the content item (col. 6, lines 43-54 and col. 12, lines 62 to col. 13, line 15).

As per claim 17 and 24, Levy et al teach the method further comprising utilizing the identifier for the content item to add the content item to a list calculated hash and the determined identifier (col. 7, lines 4-38 and col. 13, lines 42 to col. 14, line 9).

As per claim 18 and 25, Levy et al teach the method of claim 1, wherein the further information includes a title associated with eh content item (col. 13, lines 12-15).

As per claim 19 and 26, Levy et al teach the method of claim 11, wherein the portion of the content item is received form a mobile phone (col. 14, lines 15-24).

As per claim 21 and 28, Levy et al teach the method, wherein the processing of the received portion of the content item comprises determining a audio characteristics associated with the received portion of the content item (col. 4, lines 40-56col. 8, lines 2-6).

As per claim 29, Levy teaches the inventions as explained in claims 1 and 12. Further Levy teaches detecting an indication of a user interest in a content item and responding to the indications by obtaining a portion of the content item from a client system (fig. 1 and col. 6, lines 60 to col. 7, line 10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levy et al (6505160) in view of Herz et al USPN. (20010014868).

As per claim 11, Levy et al teach a method to facilitate an e-commerce transaction (fig. 1), the method comprising: receiving, at a server, a media object, the media object being distinct from an identifier associated with the content item (the context information may relate to a user, the user's device, the attribute of the session (media object is received col. 6, lines 29-37, col. 7, lines 3-10 and col. 12, lines 16-62, (the decoding process forwards the extracted identifier in a message containing addition context information to a server

(col. 4, lines 40-56); col. 6, lines 29-42, col. 7, lines 3-10 and col. 12, lines 16-62);

calculating a hash of for the received media object [col. 6, lines 3-28 and col. 9, lines 42-61];

processing, at the server, the media object to determine an identifier from the media object utilizing the calculated hash and the determined identifier (col. 4, lines 40-56; col. 6, lines 43-54 and col. 12, lines 62 to col. 13, line 15).

Although Levy et al shows substantial features of the claimed invention including returning a web page of information about the object and links actions such as buying and downloading related music (col. 13, lines 42 to col. 14, line 9), he does not explicitly show transmitting an electronic offer to sell (an item) utilizing an identifier.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Levy et al, as evidenced by Herz et al USPN. (20010014868).

In analogous art, Herz et al whose invention is a system for tracking the behavior of online shoppers by accumulating extensive profiles of the shoppers and the offers that they consider. The system customizes prices and promotions, automatically constructing product offers tailored to individual shoppers (abstract), discloses offering promotions to a shopper

on related purchases such as when the shopper purchases item A, the system offers a coupon on related item B (¶ 266-267 and ¶ 279). Giving the teaching of Herz et al, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Levy et al by employing the system for the automatic determination of customized prices and promotions of Herz because this will enable vendors to maximize their profit margin and to help shoppers become informed about available offers (abstract and ¶ 4 and ¶24].

As per claim 12, Levy et al teach the method of claim 11, wherein the receiving comprises:

a portion of an electronic content item (col. 6, lines 29-37, col. 7, lines 3-10 and col. 12, lines 16-62).

6. Claims 20 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levy et al (6505160) in view of Herz et al USPN. (20010014868).

As per claim 20 and 27, although Levy et al shows substantial features of the claimed invention as explained in claims 1 and 9, including returning a web page of information about the object and links actions such as buying and downloading related

music (col. 13, lines 42 to col. 14, line 9), he does not explicitly show transmitting an electronic offer to sell related to the determined identifier.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Levy et al, as evidenced by Herz et al USPN. (20010014868).

In analogous art, Herz et al whose invention is a system for tracking the behavior of online shoppers by accumulating extensive profiles of the shoppers and the offers that they consider. The system customizes prices and promotions, automatically constructing product offers tailored to individual shoppers (abstract), discloses offering promotions to a shopper on related purchases such as when the shopper purchases item A, the system offers a coupon on related item B (¶ 266-267 and ¶ 279). Giving the teaching of Herz et al, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Levy et al by employing the system for the automatic determination of customized prices and promotions of Herz because this will enable vendors to maximize their profit margin and to help shoppers become informed about available offers (abstract and ¶ 4 and ¶24].

Conclusion

1. **ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are

703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained form the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YB

Art Unit 2153

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